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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,919	07/12/2000	Koichi Sakamoto	879-268P	2489
7590	02/27/2006		EXAMINER	
BIRCH, STEWART, KOLASCH & BIRCH, LLP			AGGARWAL, YOGESH K	
P.O. Box 747			ART UNIT	PAPER NUMBER
Falls Church, VA 22040-0747			2615	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/614,919	SAKAMOTO ET AL.
	Examiner	Art Unit
	Yogesh K. Aggarwal	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 and 16-29 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11, 16-29 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by (US PG-PUB 2002/0054218 A1 to KOBAYASHI et al.).

In regards to claim 3 Kobayashi discloses a recording and regenerating method of an electronic camera, comprising the steps of:

regenerating non-ambient sound in accordance with audio data which is recorded in a first recording medium (e.g., element 132 of Fig. 2 wherein the first record medium is an implied part of element 132);

recording image data representing a subject in a second recording medium at image-capturing, and recording, in the second recording medium, audio regeneration data which indicates where the non-ambient sound is stored within the first recording medium at the image capturing (e.g., second record medium is element 102 of Fig. 2; Figs. 3, 4, and 8; paragraphs 0052 and 0079);

regenerating an image in accordance with the image data recorded in the second recording medium, and regenerating the non-ambient sound at the image-capturing in accordance with the audio regeneration data which is recorded together with the image data in the second recording medium and also in accordance with the audio data which is recorded in the first

recording medium (e.g., paragraph 0079, wherein the recorded audio data in the memory card is reproduced in accordance with the audio data which is recorded in the first recording medium, namely it is identical to it).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (US PG-PUB # 20020054218) in view of Satoh (US Patent # 5,982,981).

[Claim 1]

Kobayashi discloses an electronic camera, comprising an imaging part which captures a subject image (e.g., element 122 of Fig. 6);

a recording medium which records captured image data of the subject image (e.g., element 102 of Fig. 6); and

an audio regeneration device which regenerates non-ambient sound (e.g., elements 102, 136, 137, 265A, 265B, and 266-269; paragraph 0092; wherein audio data recorded on the memory card 102 is non-ambient audio data input through terminal 132; paragraph 0087), wherein when the subject image is captured, audio regeneration data which at least indicates where non-ambient sound during audio regeneration is stored within the audio regeneration

device is recorded in the recording medium together with the captured image data (e.g., paragraph 0052).

Kobayashi fails to teach a communication device which communicates with an external device which performs audio regeneration wherein audio regeneration data is stored within the external device. However Satoh teaches an embodiment wherein there is an external audio regeneration device 200 communicating with an image recording and reproducing apparatus that is a camera 100 as depicted in Figs. 13 and 14, having a communication interface 201 and a memory (data buffer 206, col. 7 line 35-col. 8 line 10) to store the audio data.

Therefore taking the combined teachings of Kobayashi and Satoh, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a communication device which communicates with an external device which performs audio regeneration wherein audio regeneration data is stored within the external device in order to permit use of an exclusive image recording and reproducing apparatus for sound recording and reproducing apparatus with a simple construction and low cost (col. 7 lines 35-45).

**[Claim 2]**

Kobayashi discloses an electronic camera, comprising an imaging part which captures a subject image (e.g., element 122 of Fig. 6);

a recording medium which records captured image data of the subject image (e.g., element 102 of Fig. 6);

at least one of a display which displays an image in accordance with the image data recorded in the recording medium and an image signal output device which externally outputs an

image signal in accordance with the image data recorded in the recording medium (e.g., element 158 of Fig. 6; also, elements 259 and 264 of Fig. 6); and

an audio regeneration device which regenerates non-ambient sound (e.g., elements 102, 136, 137, 265A, 265B, and 266-269; paragraph 0092; wherein audio data recorded on the memory card 102 is non-ambient audio data input through terminal 132; paragraph 0087), wherein the image data and audio regeneration data recorded in the recording medium are read out, and the image is displayed in accordance with the image data while regenerating non-ambient sound stored within the audio regeneration device at image-capturing in accordance with the audio regeneration data stored within the recording medium (e.g., paragraphs 0052 and 0079).

Kobayashi fails to teach a communication device which communicates with an external device which performs audio regeneration wherein audio regeneration data is stored within the external device. However Satoh teaches an embodiment wherein there is an external audio regeneration device 200 communicating with an image recording and reproducing apparatus that is a camera 100 as depicted in Figs. 13 and 14, having a communication interface 201 and a memory (data buffer 206, col. 7 line 35-col. 8 line 10) to store the audio data.

Therefore taking the combined teachings of Kobayashi and Satoh, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a communication device which communicates with an external device which performs audio regeneration wherein audio regeneration data is stored within the external device in order to permit use of an exclusive image recording and reproducing apparatus for sound recording and reproducing apparatus with a simple construction and low cost (col. 7 lines 35-45).

5. Claims 3-11 and 16-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 5,812,736 to Anderson) in view of (US PG-PUB 2002/0054218 A1 to KOBAYASHI et al.).

In regards to claim 3 Anderson discloses a recording and regenerating method of an electronic camera comprising the steps of:

recording image data representing a subject in a second record medium at image-capturing, and recording, in the second recording medium, audio regeneration data which indicates where the sound is stored at the image capturing (e.g., column 5, lines 41-51 and 55-58; Fig. 5);

regenerating an image in accordance with the image data recorded in the second recording medium, and regenerating the sound at the image-capturing in accordance with the audio regeneration data which is recorded together with the image data and also in accordance with the audio data (e.g., column 6, lines 6-15; Fig. 6).

Anderson does not disclose that the audio data is regenerated in accordance with audio recorded in a first recording medium and that in regenerating an image it is regenerated in accordance with the audio data which is recorded in the first recording medium. Examiner notes that in Anderson's description it is implied that the audio is input through a microphone in order to capture ambient audio data (column 6, lines 16-37). Kobayashi discloses that ambient input audio data can be input from a microphone or non-ambient input audio data can be input from an input terminal 132, wherein the first recording medium is implied with the input terminal 132 (paragraph 0046). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have added an external audio input terminal in order to enable a user to

alternatively supply non-ambient audio data through other audio input devices if necessary. As such, audio data is regenerated in accordance with the first recording medium and is stored in the second recording medium along with the image data and the audio regeneration data. Upon regeneration of the image, audio data is regenerated from the second recording medium in accordance with the audio data in the first recording medium, namely they are identical audio data.

In regards to claim 4 Anderson discloses the recording and regenerating method of the electronic camera as defined in claim 3, wherein:

the audio regeneration data includes an elapsed time period extending between a start point of the regenerating of the non-ambient sound and a point of the image-capturing (e.g., As see in Fig. 5 there is an elapsed time between the start of regenerating sound and a point of image-capturing, namely 1.3 seconds, wherein that audio tag is the audio regeneration data; column 5, lines 20-58; Fig. 5); and

the regenerating of the non-ambient sound in accordance with the audio regeneration data starts from the start point of the elapsed time period (e.g., Anderson discloses that the regeneration of the sound starts at the beginning of the audio track wherein that is 1.3 seconds from the elapsed time; column 6, lines 6-15; Fig. 6).

In regards to claim 5 see Examiners notes on the rejection of claim 4. Note that the elapsed time is again 1.3 seconds for the first image, 3.8 seconds for the second image, and 4.9 seconds for the third image wherein, as described above, the audio regeneration starts at a predetermined time before the elapsed time, namely the audio starts 1.3 seconds before the first

elapsed time, etc. Examiner notes that Anderson discloses that the regeneration of the image starts at the elapsed time (column 6, lines 6-15; Fig. 6).

In regards to claim 6 see Examiners notes on the rejection of claims 4 and 5. Note that the order of regeneration is implied in the Anderson reference in that as shown in Fig. 6 the images are reproduced in time order, namely the first image is displayed first, etc. As disclosed by Anderson the sound data inherently is time-based and therefore has a order of regeneration based on that time and is therefore regenerated based on that order of regeneration (column 5, lines 37-38).

In regards to claim 7 Kobayashi discloses that a memory card can be loaded into element 108 of Fig. 1 wherein sound can be reproduced as with a magnetic disk, cassette tape, or the like (paragraph 0041). This teaches that audio can be reproduced through a memory card. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have made the implied recording medium of element 132 to have been a memory card in order to enable audio reproduction in a wide variety of devices as implicitly taught by Kobayashi (e.g., Fig. 2). As such, the first and second recording mediums would be identical, namely they would both be memory cards. Note that Anderson implicitly discloses using a memory card, element 354 of Fig. 3.

In regards to claims 8-11 see Examiners notes on the rejections of claims 4-7.

In regards to claims 16-22 see Examiners notes on the rejections of claims 3-7 and 11 respectively.

In regards to claims 23-29 see Examiners notes on rejections of claims 1, 3-7 and 11 respectively.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over (US PG-PUB 2002/0054218 A1 to KOBAYASHI et al.) in view of (USPN 5,220,433 to Mogamiya et al.).

In regards to claim 5 Kobayashi does not disclose nor preclude anything about elapsed times.

Examiner notes that it is extremely well known in the art to provide a series of still images to a display in order to easily review a plurality of the images previously recorded. Official notice is taken. Therefore it would have been obvious at the time of the invention to have reviewed a plurality of still images recorded by Kobayashi's invention in series in order to easily review a plurality of images.

As such, Mogamiya discloses to provide a fade in and fade out operation on still images and sound upon reproduction in order to avoid switches in images and sound that are unnatural to a user (e.g., column 1, lines 40-42; column 7, lines 4-68). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a fade in and fade out operation on still images and sound upon reproduction in order to avoid switches in images and sound that are unnatural to a user. Mogamiya further discloses that the fading of one of the image or the sound can be delayed (e.g., column 10, lines 39-42). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a delay between fading in the sound and fading in the image as suggested by Mogamiya.

As such, the above combination discloses the audio regeneration data includes an elapsed time from a start point of the regeneration of the sound (e.g., the elapsed time between beginning regeneration of the sound and the image);

the regenerating of the sound in accordance with the audio regeneration data starts at a predetermined time before the elapsed time;

the regenerating of the image starts at the elapsed time (e.g., the sound fades in first, then after an elapsed time the image fades in).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over (US PG-PUB 2002/0054218 A1 to KOBAYASHI et al.) in view of (USPN 5,220,433 to Mogamiya et al.) in further view of (USPN 5,657,074 to Ishibe et al.).

In regards to claim 6 it is implied with providing a series of still images that there is an order of regeneration.

Ishibe et al., herein Ishibe, discloses regenerating sound successively following an order of regeneration, namely providing a plurality of music tracks to choose from and associating the tracks with the images to be reproduced and simultaneously switching the music and the images according to the order (e.g., column 3, lines 11-56; column 6, lines 9-13; column 9, line 58 – column 10, line 22). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have associated specific sounds, namely ones of music tracks, with the images in order to have a more interesting presentation of still images. Examiner notes that in Mogamiya's disclosure there is set a time in which it is determined how long each image is to be displayed (e.g., column 7, lines 19-29). Ishibe further discloses setting an amount of time to display a certain image based on the number of music tracks selected (e.g., column 6, lines 15-59). Examiner notes that the elapsed time is the fade in time from the start of a new music track, namely every time a music track changes there the image changes as well.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA  
February 20, 2006



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER